

November 18, 2009

## **MINUTES OF A REGULAR MEETING OF THE TORRANCE ETHICS AND INTEGRITY COMMITTEE**

### **CALL TO ORDER**

The Torrance Ethics and Integrity Committee convened in a regular session at 6:30 p.m. on Wednesday, November 19, 2009, in the Human Resources Training Room, 3231 Torrance Boulevard.

### **ROLL CALL**

Present: Committee Members Gallagher, Gotshall-Sayed, Matsuda, Montoya, and Chairman Payne.

Absent: None.

Also Present: Staff Liaison to the Committee Lohnes, Deputy City Attorney Strader, Human Resources Analyst Hoang and Management Aide Elmore.

### **FLAG SALUTE**

Chairman Payne led the Pledge of Allegiance.

### **ORAL COMMUNICATIONS #1**

None.

#### **1. Report of Staff on Posting of the Agenda**

Staff Liaison to the Committee Lohnes verified that the meeting agenda was posted on November 13, 2009.

#### **2. Approval of Minutes, October 21, 2009**

Referring to Oral Communications #2a on page 6 of the October 21, 2009 Ethics and Integrity Committee minutes, Member Gallagher stated his impression that the questions he read would have been included in the minutes.

Ethics and Integrity Committee  
November 18, 2009

Staff Liaison to the Committee Lohnes explained that the minutes are intended to be a summary of discussion, not verbatim; and that the questions posed by Member Gallagher and answers to them will be included for discussion on a subsequent meeting agenda, at which time they will become part of the record. She verified that a copy of Member Gallagher's questions will be provided to the Commissioners.

Deputy City Attorney Strader advised that the minutes are a summary of discussion and that those for the future meeting at which Member Gallagher's questions will be addressed will include the Committee's discussion of the questions.

Member Gallagher indicated that, as long as the questions he read aloud will be addressed in the future, he could approve the minutes of October 21, 2009 as written.

**MOTION:** Member Gallagher moved to approve the Ethics and Integrity Committee minutes of October 21, 2009 as written. The motion was seconded by Chairman Payne and passed by unanimous roll call vote as reflected below, with Commissioner Gotshall-Sayed abstaining due to her absence from that meeting and Commissioner Matsuda abstaining in that she was not a member of the Committee at that time:

Ayes:	Gallagher, Montoya, and Chairman Payne.
Noes:	None.
Abstain:	Gotshall-Sayed, Matsuda.
Absent:	None.

3. **Discuss and Provide Input to Protocol to be Used to Handle Public Complaints**

Considered later in the meeting (see page 3).

\*

Agenda Item No. 4 was considered out of order at this time.

4. **Ethics Training Provided by Torrance University**

Torrance University Instructor Desiree Saddler reviewed the first portion of the Torrance University ethics training provided at the last meeting. She presented an overview of the remaining portion of the training, in which the Committee Members participated.

Member Gotshall-Sayed asked if refresher courses will be offered and if the City has considered the idea of developing a "secret shopper" type scenario to help examine if employees are applying what they learned in the training.

As discussed at the last meeting, Chairman Payne recommended that new employees receive the ethics training as quickly as possible. He asked if refresher training would be the same program as the original training.

Member Montoya suggested that the role playing section of the training include a scenario whereby a student feels harmed by someone else's lack of ethics, and possibly one involving an automobile accident. He also suggested that, in an effort to assess the effectiveness of the training, a follow-up survey be distributed 60 to 90 days after the training.

Ethics and Integrity Committee  
November 18, 2009

Human Resources Analyst Hoang voiced support for distributing a follow-up survey after the ethics training is completed. He explained the goals for new employees to complete the training within their first year of employment; for employees to go through refresher training in communication, customer service and ethics every three years, with the training possibly consisting of elective courses that would most benefit the employee as recommended by the employee's supervisor; and for focus groups composed of supervisors to assess whether noticeable improvements in employee behavior have resulted from the training. He affirmed that a "secret shopper" type scenario to help determine the effectiveness of the training could be used, but cautioned that this could impact labor relations and require meet and confer.

In lieu of a "secret shopper" type scenario, Member Matsuda introduced the idea of supervisors periodically offering tiny vignettes for employees to discuss after the training is completed.

Member Gallagher favored reinforcing the training on an on-going basis, better personalizing the program, having one code of conduct for all employees and ensuring consistency in the message that is delivered. He asked if any thought has been given to incorporating some of the suggestions made by the Blue Ribbon Committee into the training.

Human Resources Analyst Hoang explained that staff has begun working on various scenarios to be used in the training, the majority of which will be geared toward the City (rather than external). He confirmed that portions of the Blue Ribbon Committee's recommendations have been incorporated into the training and that ways of providing a more integrated approach to CORE values are discovered every time a class completes the training.

Deputy City Attorney Strader advised that codes of conduct in the context of employees, and anything affecting wages, hours, working conditions, etc., are possible labor negotiation type matters that would require the City to meet and confer.

Member Gotshall-Sayed recalled that the Blue Ribbon Committee explored the impact of codes of conduct on labor negotiations and she questioned if asking union employees to act with integrity, honesty and transparency would be a problem.

Deputy City Attorney Strader verified that employees can be asked to act with integrity, honesty and transparency. She clarified that her above comment about labor negotiation type matters pertained to the development of a code of conduct.

The Committee commended the presentation given by Torrance University Instructor Saddler, who departed the meeting at 8:45 p.m.

\*

Discussion returned to regular agenda order.

### 3. **Discuss and Provide Input to Protocol to be Used to Handle Public Complaints**

Staff Liaison to the Committee Lohnes provided background information on this item, which was presented in response to discussion at previous meetings.

Member Gotshall-Sayed expressed her pleasure that Staff Liaison Lohnes will be the individual to whom members of the public raising complaints during the meetings will be referred.

Chairman Payne related his opinion that the proposed protocol is much too broad. He stated his understanding that the protocol would apply to members of the public wishing to make complaints at the Committee meetings and that the ordinance pertaining to the Committee does not prevent the Committee from hearing such complaints, which is one of the Committee's purposes.

Member Montoya expressed concern that the protocol recommended by staff is too generic, in that it would cover all complaints.

Staff Liaison Lohnes explained that investigating/hearing complaints is not within the Committee's purview.

Member Gotshall-Sayed voiced her understanding that the Committee's purpose is still being defined.

Deputy City Attorney Strader confirmed that the Committee's current purview does not include the consideration/investigation of complaints.

Member Gallagher commented on the difficulty of knowing the limitations in allowing the public to raise issues/vent their opinions to the Committee and he stressed the importance of the Committee agreeing on the procedures for handling this type of situation.

Chairman Payne and Member Gotshall-Sayed suggested that the proposed wording include a more concrete definition of the word "complaint."

Member Matsuda stated her agreement with the script as proposed by staff, in that it is supposed to be broad, it clearly explains the Committee's responsibilities and it advises how to take complaints to the next level. She pointed out that reading the script aloud would not prevent speakers from raising issues under Oral Communications #2, which includes items not on the meeting agenda. Member Matsuda voiced her understanding that the ordinance is clear as to the Committee's responsibilities to help facilitate an Ethics and Integrity Program and direct members of the public having complaints to the right channels; but, the Committee is not charged with the responsibility of deciding the merits of complaints.

Chairman Payne clarified that the Committee is interested in both positive and negative input from the public about what the City is doing correctly/incorrectly, but consideration of personally-directed ethical violations is not within the Committee's purview. He contended that the word "complaint" was interpreted much too broadly in the proposed protocol.

Member Gallagher commented on the importance of developing ground rules to determine to what extent speakers would have the opportunity to vent to the Committee and how to prevent them from being too specific.

Member Matsuda reiterated her opinion that the ordinance is clear about the Committee's responsibilities and that the Committee can listen to complaints, but cannot act on them or in any way "hear" them in the legal sense of the term.

Deputy City Attorney Strader clarified that the Committee can listen, but cannot “hear” in the same sense as the Civil Service Commission “hears” personnel matters or the Planning Commission listens to proponents and appellants.

Staff Liaison Lohnes explained that, as soon as allegations become personal and specific, speakers could be interrupted and advised that the Committee cannot act on the information. She clarified that the Committee can “hear” input in the auditory context, but does not have a binding effect, nor can they help speakers resolve problems.

Given this information, Member Gallagher agreed that the Committee can listen to complaints, but does not have the authority to act on them, and that speakers making complaints should be directed to the proper staff. He observed that the ordinance is very passive in nature.

Member Matsuda suggested that the disclaimer to be read aloud prior to Oral Communications #1 include advice to speakers that the ordinance establishing the Committee does not allow the Committee to act on complaints. It was her feeling that this information should be read aloud, but it should not be included on the meeting agenda.

Chairman Payne agreed with Member Matsuda’s suggestion about the wording in the disclaimer and reading it aloud, excepting that he supported including the information on the meeting agenda too. He noted that one of Mr. Wood’s tasks is to provide some clarification on the ordinance. At the request of Member Matsuda, Chairman Payne clarified his understanding that it is the Committee’s job to make recommendations on the City’s Ethics and Integrity Program to City staff and the City Council; but not to the public when they come before the Committee with complaints.

Deputy City Attorney Strader advised the Committee as to the need for a motion to approve, deny or amend the protocol suggested by staff.

The Committee’s extensive discussion of the proposed protocol included whether it should only be read aloud prior to Oral Communications #1 or also included on the meeting agenda; whether it would discourage speakers from raising issues to the Committee; whether welcoming remarks should be included at the beginning of the script in hopes that speakers would not be discouraged; and whether Staff Liaison Lohnes’ name, or more generic wording, should be included. The Committee also discussed staff’s role in assisting speakers, including whether staff should be tasked with ensuring that problems are resolved.

Staff Liaison Lohnes explained that one of the roles of the staff liaisons to the Committee is to provide individuals raising complaints at the meetings with resource information to help address their concerns, not resolve them.

Deputy City Attorney Strader advised that the intent is not to discourage speakers, but to inform them of the proper path and that she would assist staff in pointing speakers in the right direction; however, she is not confident that directing speakers to the appropriate individual is within staff’s responsibilities.

After further consideration and input during the meeting, Member Gallagher related his uncertainty as to whether it would be appropriate to read aloud a disclaimer as discussed this evening, or include it on the meeting agenda.

The following motion was offered:

**MOTION:** Member Matsuda moved to adopt the following language to be read aloud prior to Oral Communications #1:

“The Committee welcomes public comments. However, the current ordinance establishing the Committee does not empower the Committee to investigate or act on public complaints. The staff liaison to the Committee can provide a resource sheet with information for addressing specific concerns.”

The motion was seconded by Member Gotshall-Sayed and an amended motion was ultimately passed by a 3-2 roll call vote.

Continued discussion included whether the protocol should be included on the meeting agenda. The following amendment to the original motion was offered:

**AMENDED MOTION:** Chairman Payne offered an amendment to the motion as follows:

“...to adopt the following language to be read aloud prior to Oral Communications #1 and included on the left-hand corner of the meeting agenda:

As the maker of the original motion, Member Matsuda related her opinion that it would be inappropriate to include the statement on the meeting agenda; but, she agreed to accept the amendment in order to move forward with this matter.

Member Gotshall-Sayed, who seconded the original motion, accepted the amendment.

Deputy City Attorney Strader clarified that the motion also includes that the individual conducting the meeting will read the wording aloud prior to Oral Communications #1.

The amended motion was passed by a 3-2 majority roll call vote, with Members Gallagher and Matsuda dissenting.

Ayes:	Gotshall-Sayed, Montoya and Chairman Payne.
Noes:	Gallagher and Matsuda.
Absent:	None.
Abstain:	None.

Member Matsuda explained her dissenting vote due to her opinion that the statement should only be oral, and not included on the meeting agenda.

## 5. **Current Events: Ethics in the News**

Information only.

Ethics and Integrity Committee  
November 18, 2009

## **ORAL COMMUNICATIONS #2**

a. Deputy City Attorney Strader advised that the meeting should be adjourned to the next scheduled meeting date of Wednesday, December 16, 2009, 6:30 p.m., because this is not the Committee's regular meeting date.

b. Member Gotshall-Sayed requested an excused absence from the next meeting due to a medical issue. Her fellow Committee members wished Member Gotshall-Sayed a speedy recovery.

## **ADJOURNMENT**

At 9:52 p.m., the meeting was adjourned to Wednesday, December 16, 2009, 6:30 p.m.

Approved as Submitted December 16, 2009 s/ Sue Herbers, City Clerk
--